

REMARKS**I. INTRODUCTION**

Claims 1-6, 9 and 12-18 are pending in the present application. Applicant would like to thank the Examiner for indicating that claim 15 contains allowable subject matter. In view of the following remarks, Applicant respectfully submits that all presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 1-6, and 13-18 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Specifically, the Examiner states that there is no support for “detaching, via a user interface device, the dynamic measurement object from the first graphic object; and attaching, via the user interface device, the dynamic measurement object to a second graphic object displayed on the monitor, wherein the measurement data is modified to be related to the second graphic object,” as recited in claim 1. Applicant respectfully disagrees and directs the Examiner’s attention to ¶¶ [0012]-[0014] and [0049] of the published application. Specifically, ¶ [0012] recites “at least one dynamic measurement object based on said measurement data is removably attached to the at least one graphic object, i.e. the measurement object may be attached to graphics objects and then it may anytime be removed again or *be transferred to another graphics object on the image.*” Similar language is found in ¶¶ [0013] and [0014]. Also, ¶ [0049], which refers to Figs. 7A and 7B, shows an example of how, when the measurement object connected to the left line is dragged to the right line, the measurement object is “dynamically updated with the current measurement data of the graphics object that [it] currently [is] connected to.” Thus, Applicants respectfully request the withdrawal of this rejection.

III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 1-6, 9, 12-14, and 16-18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Piet et al. (European Published App. No. EP 1,349,098) in view of Van Liere (U.S. Published App. No. 2002/0067340).

Claim 1 recites “[a] method of processing user interaction in a medical environment with a medical image for producing measurement data related to graphics on the medical image, the method comprising: *attaching a dynamic measurement object to a first graphic object displayed on a monitor, the dynamic measurement object including measurement data related to the first graphic object; detaching, via a user interface device, the dynamic measurement object from the first graphic object; and attaching, via the user interface device, the dynamic measurement object to a second graphic object displayed on the monitor, wherein the measurement data is modified to be related to the second graphic object.*”

The Examiner correctly acknowledges that Piet fails to disclose or suggest “attaching via the user interface device the dynamic measurement object to a second graphic object to a second graphic object displayed on the monitor wherein the measurement data [is] modified to be related to the second graphic object.” (See 12/10/09 Office Action, p. 4, ll. 7-9). The Examiner refers to Van Liere to cure the deficiencies of Piet. However, the Examiner later seeks to cure the deficiencies of Van Liere by referring back to Piet. (See 12/10/09 Office Action, pp. 4-5).

Initially, Applicant would like to point out that the present application is replete with explanations regarding the differences between the claimed invention and Van Liere. (See e.g., Specification, ¶¶ [0004]-[0005]). However, to expedite prosecution, Applicant will address the primary difference. Van Liere discloses interaction with a computer-displayed medical image. The Examiner refers to Van Liere’s disclosure of steps used to create graphics object using a “click-move-click” operation or a “press-drag-release” operation. (See Van Liere, ¶¶ [0032]-[0042]). Subsequently, Van Liere discloses point, line, angle, curve, and region-of-interest measurements. However, as stated in the present application Van Liere’s measurements “are static and it is not possible to interact with these measurements, except in some cases for moving the location of the measurement label.” (See Specification, ¶ [0005]). Accordingly, Van Liere fails to disclose or suggest “*and attaching, via the user interface device, the*

dynamic measurement object to a second graphic object displayed on the monitor, wherein the measurement data is modified to be related to the second graphic object.”

The Examiner asserts, “[i]t would have been obvious to one of ordinary skill in the art to use the second object interaction in Piet et al in order to provide inherent manipulation of the images, without necessitating overlay items that would obscure the image thus having a clear and accurate comprehensive access of measurement in the medical workstation.” (See 12/10/09 Office Action, pp. 4-5). However, the “second object” the Examiner refers to in Piet is an actual medical image. (See Piet, Figs. 1-4). Points from a measurement template “are placed manually in the image by cursor clicks.” (See Id., ¶ [0097], Figs. 1-4). The image template merely serves to impose “the placement order by highlighting each point in sequence (e.g. by blinking the point in the template).” (See Id.). Piet also discloses an automated placement that carries out this function. (See Id., ¶¶ [0107]-[0109]). In either case, “[m]easurment values may be displayed either discretely or continuously in the measurement values window as the user moves the position of a point over the image.” (See Id., ¶ [0116], Figs. 1-4).

It seems the Examiner’s assertion is directed at the measurement values window when the Examiner states “to provide inherent manipulation of the images, without necessitating overlay items that would obscure the image.” It is unclear how the use of a third window (measurement values window) renders the limitations of claim 1 obvious to one of ordinary skill in the art. Even if the movement of points from the measurement template to the actual medical image were construed as “*attaching, via the user interface device, the dynamic measurement object to a second graphic object displayed on the monitor,*” which Applicant does not concede, Piet fails to disclose or suggest “the measurement data is *modified* to be related to the second graphic object.” The word modify implies that the measurement data had a certain value and was changed to be related to the second graphic object. In contrast, the points in the measurement template window in Piet have no value. They only achieve a value when they are placed in the actual medical image window. (See Piet, ., ¶ [0116], Figs. 1-4). Accordingly, Piet also fails to disclose or suggest “*attaching, via the user interface device, the dynamic*

measurement object to a second graphic object displayed on the monitor, wherein the measurement data is modified to be related to the second graphic object,” as recited in claim 1.

Applicant respectfully submits that Piet and Van Liere both disclose static measurement objects and the Piet and Van Liere, taken alone or in combination, fail to disclose or suggest *“attaching a dynamic measurement object to a first graphic object displayed on a monitor, the dynamic measurement object including measurement data related to the first graphic object; detaching, via a user interface device, the dynamic measurement object from the first graphic object; and attaching, via the user interface device, the dynamic measurement object to a second graphic object displayed on the monitor, wherein the measurement data is modified to be related to the second graphic object,”* as recited in claim 1. Thus, it is respectfully submitted that claims 1 and its dependent claims 2-6, 9 and 16-18 are allowable.

Claims 12 and 13 recite the method of claim 1 and thus are allowable for at least the same reasons as claim 1. Claim 14 recites “a second code segment (112) for removably attaching at least one dynamic measurement object based on said measurement data to said graphic object.” Since Piet neither teaches nor suggests a removably attached dynamic measurement object, it is respectfully submitted that claim 14 is also allowable.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: March 10, 2010

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